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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Invensys Systems, Inc.  
Serial No. : 10/680,411  
Filed : October 8, 2003  
Title : SERVICES PORTAL

Art Unit : Unknown  
Examiner : Unknown

**MAIL STOP PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. §1.47(a)

This is a petition for leave to perfect the filing of this application by eight joint inventors where one of the inventors has not executed the inventor's declaration despite repeated attempts to get him to sign.

This patent application ("the application") was filed October 8, 2003, in the names of Fred Sanford, Robert Bather, Martin Culverhouse, Walter Sikora, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. The combined inventors' declaration and power of attorney document ("the declaration") filed with this petition was signed by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. However, the declaration was not signed by Walter Sikora. The declaration made by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr is made on their own behalf and on behalf of Walter Sikora in accordance with 37 C.F.R. §1.47(a).

A Statement of Facts (with Exhibits) supporting a determination that Walter Sikora has refused to sign is being filed with this Petition.

The non-signing inventor's last known address is:

Walter Sikora  
19 Glen Eagle Circle  
Attleboro, MA 02703

Applicant : Invensys Systems, Inc.  
Serial No. : 10/680,411  
Filed : October 8, 2003  
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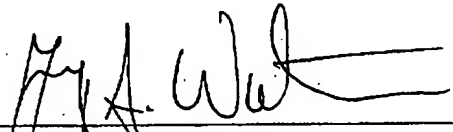
Attorney's Docket No.: 12780-023001 / 02,003

A check in the amount of \$130.00 for the required fee under 37 C.F.R. §1.17(h) accompanies this petition. Please apply any other charges or credits to Deposit Account No. 06-1050.

In view of the foregoing, and the attached statement of facts, it is submitted that this application satisfies the requirements of 37 C.F.R. §1.47(a) and should be considered duly made and granted the status of a duly filed application as of the original filing date stated above.

Respectfully submitted,

Date: JUNE 2, 2004

  
\_\_\_\_\_  
Gregory A. Walters  
Reg. No. 41,366

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
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Attorney's Docket No.: 12780-023001 / 02,003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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STATEMENT OF FACTS SUPPORTING PETITION  
UNDER 37 C.F.R. §1.47(a)  
STATEMENT OF GREGORY A. WALTERS

I, Gregory A. Walters, declare as follows:

I am a Principal in the law firm of FISH & RICHARDSON P.C. and an attorney/agent of record in the above matter.

The above-referenced patent application ("the application") was filed October 8, 2003, in the names of Fred Sanford, Robert Bather, Martin Culverhouse, Walter Sikora, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. The combined inventors' declaration and power of attorney document ("the declaration") filed with this petition was signed by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr. The declaration made by Fred Sanford, Robert Bather, Martin Culverhouse, Melanie Russell, Peter Martin, Robert Hasselbaum, and Russell Barr is made on their own behalf and on behalf of Walter Sikora in accordance with 37 C.F.R. §1.47(a).

All attempts to have Walter Sikora sign the declaration have failed, constituting a refusal by this inventor to sign under 37 C.F.R. §1.47(a). This statement details the diligent efforts made to contact Walter Sikora and to obtain an executed declaration document. Supporting documentation mentioned in this statement is attached as Exhibits.

The first two attempts to contact Mr. Sikora were via email messages dated April 13, 2004, and April 30, 2004 sent to Mr. Sikora by Michelle Banks, an administrative assistant employed by Invensys Systems, Inc. of Foxboro, MA; the owner of the rights to the invention. Mr. Sikora did not respond to these email messages. No delivery errors for failure to deliver these messages were received by Ms. Banks, indicating that they were received by Mr. Sikora but not answered.

Applicant : Invensys Systems, Inc.  
Serial No. : 10/680,411  
Filed : October 8, 2003  
Page : 2 of 2

Attorney's Docket No.: 12780-023001 / 02,003.

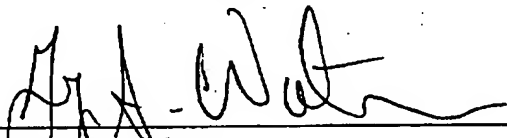
The second attempted contact was a series of phone calls placed by me to Mr. Sikora on May 10 and 11, 2004. Mr. Sikora was not personally reachable and messages left by voice mail were not returned.

On May 11, 2004, a letter with a copy of the patent application and declaration was sent to Mr. Sikora via FedEx. (See Exhibit A). The documents were received at Mr. Sikora's last known address the following day and were signed for by P. Sikora. (See Exhibit B). The letter sets a specific deadline of May 18, 2004 for returning the documents in a pre-addressed, prepaid FedEx envelope. The letter states that if the document is not signed and returned by the deadline we would deem it a refusal by Mr. Sikora to execute the declaration, and that this could possibly affect his legal rights. This letter placed Mr. Sikora on notice that inaction would be deemed a refusal to execute the declaration. We have waited well beyond the deadline set forth in this letter and have not received any written correspondence or other communication from Mr. Sikora. As such, by refusing to respond within a reasonable time period, Mr. Sikora has accepted our interpretation of his inaction as a refusal to execute the declaration.

In summary, we have diligently attempted to obtain Mr. Sikora's signature on the declaration for the above-referenced patent application and his actions in not signing constitute a refusal to sign under 37 C.F.R. §1.47(a). Due to this refusal we are filing this statement of facts in support of the Petition under 37 C.F.R. §1.47(a). We respectfully request that our petition be granted.

Respectfully submitted,

Date: JUNE 2, 2004

  
\_\_\_\_\_  
Gregory A. Walters  
Reg. No. 41,366

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# FISH & RICHARDSON P.C.

Frederick P. Fish  
1855-1930

W.K. Richardson  
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Gregory A. Walters  
(202) 626-6406

Email  
[walters@fr.com](mailto:walters@fr.com)

## VIA FEDEX

May 11, 2004

Walter Sikora  
19 Glen Eagle Circle  
Attleboro, MA 02703



BOSTON

DALLAS

DELAWARE

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

## Re: SERVICES PORTAL

Applicant: Invensys Systems, Inc.  
Application No.: 10/680,411  
Filing Date: October 8, 2003  
Country: United States  
Your Ref.: 02,003  
Our Ref.: 12780-023001

Dear Mr. Sikora:

We represent Invensys Systems, Inc. in the above-referenced patent matter. Invensys has asked me to contact you to request your prompt cooperation with executing documents relating to this patent application.

Enclosed for your signature are copies of a Declaration, General Power of Attorney and an Assignment for the above-referenced pending patent case. Also enclosed is a copy of the application and figures as filed. We have received executed documents from all of the other co-inventors.

Please sign where indicated and fill in any missing information and return the executed Declaration and Assignment to us by **May 18, 2004** in the enclosed self-addressed prepaid Federal Express envelope. It is important that the Assignment be countersigned below your signature by a witness. These documents are needed for us to proceed with examination of the patent application.

We have e-mailed these documents to you multiple times in the past and have not received executed documents in response. If you fail to return the documents properly executed, we will be forced to consider this failure as a deliberate refusal to sign.

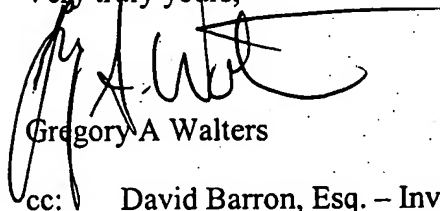
EXHIBIT A

FISH & RICHARDSON P.C.

Walter Sikora  
May 11, 2004  
Page 2

We thank you in advance and appreciate your cooperation. Please feel free to contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Gregory A. Walters', is written over a horizontal line. The signature is fluid and cursive.

Gregory A Walters

cc: David Barron, Esq. – Invensys Systems, Inc.

40217147.doc

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## Shipment Details

<b>Ship To:</b>	Walter Sikora 19 Glen Eagle Circle Attleboro, MA 02703 US 5083373300	<b>Package type:</b> <b>Pickup/Drop Off</b> <b>Total Weight:</b> <b>Declared Value:</b> <b>Courtesy Rate Quote*:</b>	FedEx Envelope will use scheduled pickup 1 LBS 0 USD *7.07
<b>From:</b>	Gregory A. Walters FISH AND RICHARDSON 1425 K Street, NW 11th Floor Washington, DC 20005 US 2026266406	<b>Special Services</b> <b>Shipment type:</b>	Signature Required Express
<b>Tracking Number:</b>	790145151856		
<b>Your reference</b>	12780-023001		
<b>Ship date:</b>	May 11 2004		
<b>Service type:</b>	Standard Overnight		

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EXHIBIT B



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Detailed Results

Print

**Tracking number** 790145151856  
**Signed for by** P.SIKORA  
**Ship date** May 11, 2004  
**Delivery date/Time** May 12, 2004 1:56 pm

**Reference number** 12780-023001  
**Delivery location** ATTLEBORO MA  
**Service type** Standard Envelope

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